

Message Text

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ACTION H-03

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UNCLAS SECTION 01 OF 02 WELLINGTON 03414

H PASS TO DR. MARTIN HOWELL, HOUSE MERCHANT MARINE AND
FISHERIES

TOKYO FOR RFO

EO 11652: N/A
TAGS: OREP, EFIS, PLOS, NZ
SUBJECT: VISIT TO WELLINGTON OF STAFFDEL HOWELL

REF: (A) WELLINGTON 01503, (B) STATE 077179,
(C) WELLINGTON 01525, (D) STATE 079389

SUMMARY: DURING BRIEF VISIT TO WELLINGTON, JUNE 11-13,
DR. MARTIN HOWELL, STAFF MEMBER, HOUSE MERCHANT MARINE
AND FISHERIES COMMITTEE, MET WITH OFFICIALS OF NEW
ZEALAND MINISTRY OF FOREIGN AFFAIRS TO DISCUSS THE JUST-
COMPLETED SOUTH PACIFIC REGIONAL FISHERIES ORGANIZATION
NEGOTIATING SESSION IN SUVA AND POTENTIAL PROBLEMS FOR
U.S. FISHING INDUSTRY IN NEW ZEALAND WATERS. THE
FOLLOWING RECORD OF THE BILATERAL PORTION OF THOSE
DISCUSSIONS HAS BEEN REQUESTED BY HOWELL. END SUMMARY.

1. DR. MARTIN HOWELL, STAFF MEMBER OF HOUSE MERCHANT
MARINE AND FISHERIES COMMITTEE, ACCOMPANIED BY MR. JULIUS
ZOLEZZI, AMERICAN TUNABOAT ASSOCIATION, AND EMBOFF,
MET JUNE 12 WITH OFFICIALS OF NEW ZEALAND MFA. DISCUS-
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SIONS CENTERED ON (A) JUST-COMPLETED NEGOTIATIONS IN
SUVA FOR PROPOSED SOUTH PACIFIC REGIONAL FISHERIES
ORGANIZATION (SPRFO) AND (B) POTENTIAL FOR BILATERAL
PROBLEMS POSED BY U.S. FISHING VESSELS WITHIN NEW
ZEALAND'S FISHERY. NEW ZEALAND MFA PARTICIPANTS WERE:
TERANCE O'BRIEN, HEAD, ECONOMIC DIVISION; WILLIAM
MANSFIELD, HEAD, LEGAL DIVISION; MICHAEL POWLES, HEAD,

AUSTRALIA AND THE AMERICAS DIVISION; MARK BAILEE,
U.S. DESK OFFICER.

2. O'BRIEN RAISED THE MATTER OF POTENTIAL CONFRONTATION SHOULD U.S. VESSELS, PARTICULARLY TUNA BOATS, ENDEAVOR TO FISH IN NZ'S EXCLUSIVE ECONOMIC ZONE (EEZ) WITHOUT OBTAINING LICENSES. ZOLEZZI REPLIED THAT HE WOULD BE HAPPY TO BUY LICENSES FOR HIS VESSELS AND WAS SURE TWO-THREE OTHER U.S. BOAT OWNERS WOULD BE SIMILARLY INTERESTED. O'BRIEN THEN REVIEWED THE GNZ EXPERIENCE OVER THE PAST HALF YEAR UNDER INTERIM AND FINAL EEZ REGULATIONS. HE NOTED THAT NORMALLY FISHING LICENSES ARE GRANTED AS THE CONSEQUENCE OF GOVERNMENT TO GOVERNMENT AGREEMENTS. U.S. LEGISLATION WITH RESPECT TO HIGHLY MIGRATORY SPECIES, HOWEVER, MAKES A BILATERAL U.S.-NZ AGREEMENT UNLIKELY. OTHER ARRANGEMENTS FOR U.S. FISHING INTERESTS MUST, THEREFORE, BE FOUND. ONE POSSIBLE SOLUTION IS JOINT VENTURE ARRANGEMENT AS WAS PURSUED BY STARKIST THIS PAST YEAR (SEE REFTELS). GNZ EXPECTS SOME U.S. FISHING INTERESTS WILL WANT TO OPERATE IN NZ WATERS OUTSIDE OF JOINT VENTURE ARRANGEMENTS AND, IF SO, THEY WILL BE REQUIRED TO BE LICENSED. THE ISSUE THEN IS, HOW TO LICENSE THEM.

3. MANSFIELD INTERJECTED THAT UNDER THE EEZ ACT, THE GNZ DOES HAVE DISCRETIONARY POWER TO LICENSE INDIVIDUAL UNCLASSIFIED

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BOATS OUTSIDE OF EITHER BILATERAL OR JOINT VENTURE ARRANGEMENTS. (FYI: THIS REFLECTS A POLICY SHIFT SINCE DISCUSSIONS REPORTED REFTEL C. END FYI.) IT IS NOW UP TO THE GNZ TO DECIDE WHETHER (IN VIEW OF PRECEDENT IT WOULD SET) TO ISSUE INDIVIDUAL LICENSES, AND HOW IT COULD BE DONE. HE ASKED HOW MANY U.S. TUNA VESSELS NZ MIGHT EXPECT WOULD BE INTERESTED IN INDIVIDUAL LICENSES.

4. ZOLEZZI REPLIED THERE WOULD PROBABLY BE NO MORE THAN THREE BOATS (SUPER SEINERS) APPLYING FOR INDIVIDUAL LICENSES. IN TOTAL, HE SAID, THERE ARE APPROXIMATELY 120 VESSELS IN THE AMERICAN TUNABOAT ASSOCIATION. HE ADDED THAT THE TUNABOAT ASSOCIATION AND THE NATIONAL MARINE FISHERIES ASSOCIATION COULD BE EXPECTED TO PERFORM VERY WELL IN POLICING FOREIGN FISHING REGULATIONS AND LICENSING PROVISIONS. ZOLEZZI FLOATED THE POSSIBILITY THAT THE AMERICAN TUNABOAT ASSN. COULD ACT AS A U.S. "CLEARING HOUSE" FOR NZ'S TUNA FISHERY LICENSES, NOTING THAT THE SHORT TUNA SEASON IN NZ WATERS (APPROX. THREE MONTHS) WOULD NOT ATTRACT A YEAR-ROUND FISHING OPERATION. HE WAS VERY IMPRESSED,

HOWEVER, BY THE REPAIR AND CONSTRUCTION CAPABILITIES OF WHANGAREI ENGINEERING AND CONSTRUCTION LTD. (WECO). HE IS CONFIDENT, HE SAID, WECO COULD REPAIR AND BUILD SUPER SEINERS, AND NO OTHER PLACE IN THE SOUTH PACIFIC CAN DO THAT TYPE OF WORK. THIS MIGHT BE AN ADDITIONAL ATTRACTION FOR SOME U.S. TUNA INTERESTS, HE SAID. (FYI: WHILE IN AUCKLAND, HOWELL AND ZOLEZZI TOURED THE WECO FACILITIES WITH ERIC BAXTER, MANAGER DIRECTOR, WECO, WHICH IS A SUBSIDIARY OF DILLINGHAM CORPORATION.

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END FYI.)

5. REFERRING TO EARLIER DISCUSSIONS, O'BRIEN SAID GNZ HAS HAD ONLY LIMITED EXPERIENCE IN MANAGING ITS EEZ. TO DATE THERE HAVE BEEN ONLY COUNTRY-TO-COUNTRY AGREEMENTS BECAUSE THESE APPEARED MOST MANAGEABLE. NZ REGULATIONS SET NO INDIVIDUAL SHIP QUOTAS BUT DO SET LICENSING CRITERIA WHICH GOVERN ENTIRE FISHING OPERATIONS. BEFORE CONSIDERING INDIVIDUAL LICENSES, GNZ NEEDS TO KNOW WHETHER SIMILAR CRITERIA COULD BE APPLIED TO INDIVIDUAL VESSELS AND HOW IT COULD BE ASSURED U.S. "TUNA INTERESTS" HAVE BEEN ENGAGED AND ARE REPRESENTATIVE. HE SAID ZOLEZZI'S REMARKS ABOUT THE REPRESENTATIVE NATURE AND SELF-POLICING ABILITIES OF THE AMERICAN TUNABOAT ASSOCIATION WERE VERY USEFUL IN THAT RESPECT.

6. HOWELL REMARKED AT THAT POINT THAT O'BRIEN APPEARED TO BE CONCERNED FOR THE EFFECTS OF THE FISHERMEN'S PROTECTIVE ACT AND THE PROSPECTS THAT NZ WOULD HAVE TO DEAL WITH "GANGSTER" TUNA BOAT CAPTAINS WHO WOULD RELY UPON THE ASSURANCES OF THE ACT AND SAY, IN EFFECT, "TO HELL WITH NZ'S LICENSING REQUIREMENTS."

RECENTLY INTRODUCED LEGISLATION IN BOTH U.S. SENATE
AND HOUSE IS OF SPECIAL INTEREST IN THIS RESPECT AS
IT REFLECTS INCREASED USG COMMITMENTS TO REGIONAL
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FISHERIES SOLUTIONS. (FYI: COPIES OF H.R. 11657,
SENATE REPORT 95-818, AND HOUSE REPORT 95-1079 WERE
LEFT WITH THE MFA REPRESENTATIVES. END FYI.)

7. ZOLEZZI REMARKED THAT THE GNZ NEED HAVE NO SPECIAL
CONCERN FOR "GANGSTERS." THE U.S. TUNA INDUSTRY WILL
LEARN WHAT NEW ZEALAND'S RULES ARE AND WILL PLAY BY
THEM. WITHIN THE TUNABOAT ASSOC., HE SAID, IS A BOARD
OF SKIPPERS WHICH WOULD REVIEW SPECIFIC COMPLAINTS.
THAT BOARD WOULD GET AT A "RENEGADE REAL QUICK," HE
WAS SURE. HE WANTED TO ALERT THE GNZ TO THE LIKELIHOOD
OF SOME "BAD PROPAGANDA," HOWEVER, WHICH HE FELT SURELY
WOULD ARISE BECAUSE OF THE PECULIAR NATURE OF THE NZ
TUNA FISHERY. THIS WAS LIKELY TO TAKE THE FORM OF
ASSERTIONS BY NZ FISHERMEN THAT ALL RPT. ALL FOREIGN
FISHING BE RESTRICTED TO THE AREA OF THE EEZ WHICH
LIES OUTSIDE OF NZ'S 12-MILE TERRITORIAL SEA. WHILE
THAT MAY SOUND REASONABLE, HE SAID, THE FACTS ARE THAT
MOST OF THE TUNA WHICH TRANSIT NZ WATERS DO SO WITHIN
3-4 MILES OF THE SHORELINE. TO RESTRICT ALL FOREIGN
FISHING WITHIN THE TERRITORIAL SEA, THEREFORE, WOULD
EFFECTIVELY FORECLOSE ALL FOREIGN TUNA FISHING WITHIN
NEW ZEALAND WATERS.

8. FOR HOWELL: YOU MAY WISH TO FORWARD PORTIONS OF
THE FOREGOING TO ZOLEZZI WHO ALSO EXPRESSED AN INTEREST
IN A RECORD OF THE DISCUSSION. COMPLETE SETS OF ALL
NZ LEGISLATION, REGULATIONS AND GUIDELINES GOVERNING
DOMESTIC, FOREIGN AND JOINT VENTURE FISHING IN
NEW ZEALAND'S EEZ HAVE NOW BEEN FORWARDED TO YOU AND
ZOLEZZI. PLEASE ADVISE ZOLEZZI AS WELL THAT SHOULD
HE DECIDE TO RETURN TO WELLINGTON FOR ADDITIONAL TALKS,
BRIAN CUNNINGHAM, DIRECTOR OF FISHERIES MANAGEMENT,
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RECOMMENDS THAT HIS FIRST CALL BE ON HIM. EMBASSY
WILL BE HAPPY TO ASSIST ZOLEZZI.
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